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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/836,838	04/18/2001	Tetsuya Shimizu	B422-147A	9951

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NEW YORK, NY 10036

EXAMINER

VENT, JAMIE J

ART UNIT	PAPER NUMBER
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2621

MAIL DATE	DELIVERY MODE
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02/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/836,838

Applicant(s)

SHIMIZU, TETSUYA

Examiner

Jamie Vent

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4-8 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4-8,11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-8, 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable by Choi et al (US 6,285,408) in view of Hazra (US 6,510,553) in further view of Xue et al (US 6,711,181).

[claim 1]

In regard to Claims 1 and 8, Choi et al discloses an image processing apparatus and method comprising:

- A reception unit that receives at least three encoded image data via a data bus (Figure 5 tuners 101 and 102 receive plural image data information as further described in Column 4 Lines 6-12. Additionally encoded image data is received into the system through the DVD system 301 and the tape recording/reproducing 401 system as further seen in Figure 5).
Additionally it is noted in Figure 4 and 5 and described in Column 2 Lines

30-44 the use of a data bus for transferring of data between units of the system is discussed);

- decoding unit that decodes one of said encoded image data to generate a main frame (Column 4 Lines 7-34 allows for main frame generation for decoding plural image data and as further seen in Figure 5 HD-video decoder 104 and SD-video decoder 204);
- an image signal generation unit adapted to generate an image signal including said main frame and said subframe (Figure 4 shows the outputting means for outputting a main frame and a sub frame); however, fails to disclose a receiving encoded data via a serial bus and sub frame generating unit that extracts low frequency component extracted from each one of the other encoded image data and a sub frame generation unit adapted to extract low frequency component from each one of the other encoded image data, and generate sub frames using the low frequency components from the other encoded image data and an image signal generation unit adapted to combine the main frame and the generated sub frames and generate an image signal including the main frame combined with the generated sub frames.

Xue et al teaches a system wherein serial data bus are used in order to properly transmit and receive data as described in Column 4 Lines 58+. The serial bus is seen in Figure 3 and described in Column 5 Lines 47-67 for transmitting and receiving data into the system and thereby provide and an efficient and effective transmission of data

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to the system. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use image processing apparatus, as disclosed by Choi et al, and further incorporate the use of serial bus as a transmission and receiving method to the system, as taught by Xue et al, to provide the data and efficient and effective method of receiving data to the system.

Choi et al in view of Xue et al discloses a system for receiving data; however, fails to disclose sub frame generation from the signal. It is taught by Hazra et al to provide a system wherein the base layer (sub frames) are determined by low frequency to become the main frame as described in Column 7 Lines 25-50 and further seen in Figure 3. The base layers are displayed and further generated and extracted based on the frequency and thereby allows for the switching of sub frames to main frames. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use an image processing system, as disclosed by Choi et al in view of Xue et al, and further incorporate a system wherein sub frame generation is used for extraction of the encoded image, as described by Hayashi et al, and further incorporate the generation of sub frames through the use of low frequency to provide a better quality image that allows for main frames and sub frames to be combined to display and generate various frames, as recited in Hazra.

[claim 4]

In regard to Claim 4, Choi et al discloses an apparatus and method wherein said reception means is an interface based on the IEEE1394-1995 standard (Figure 4 shows the connection of the serial bus based on the IEEE 1394-1995 standard as

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further described in Column 2 Lines 30-44). It is additionally taught by Xue et al to contain a system wherein serial data bus under IEEE 1394-1995 standard is used in order to properly transmit and receive data as described in Column 4 Lines 58+.

[claim 5]

In regard to Claim 5, Choi et al discloses an apparatus and method further comprising: switch unit adapted to switch the encoded image data corresponding the main frame and the encoded image data corresponding to one of said sub frames in response to an operation of a predetermined operation key. (Column3 Lines 55+ describes the user selecting the display information either being main frame or sub-frame and thereby switching the image data on the display means).

[claim 6]

In regard to Claim 6, Choi et al discloses an apparatus and method further comprising: recording unit adapted to record the encoded image data corresponding to main frame on a storage medium, in response to an operation of a predetermined operation key (Figure 5 element 401 shows the recording apparatus used to record information as further described in Column 7 Lines 33-45).

[claim 7]

In regard to Claim 7, Choi et al discloses an apparatus and method wherein said at least three encoded image data are based SD format of the DV standard (Column 2 Lines 3-12 describes the plural images that are based on the SD format).

[claim 8]

In regard to Claim 8, the claim limitations have been previously discussed in Claim 1.

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[claim 11]

In regard to Claim 11, the claim limitations have been previously discussed in Claim 4.

[claim 12]

In regard to Claim 12, the claim limitations have been previously discussed in Claim 5.

[claim 13]

In regard to Claim 13, the claim limitations have been previously discussed in Claim 6.

[claim 14]

In regard to Claim 14, the claim limitations have been previously discussed in Claim 7.

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Contact Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384.

The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jamie Vent


JOHN MILLER
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